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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,416	11/27/2001	James L. Baggot	KCX-297 (15639)	1898

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EXAMINER

HALPERN, MARK

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/995,416	BAGGOT, JAMES L.	
	Examiner	Art Unit	
	Mark Halpern	1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1) The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The drawings do not show angles recited in claims 1, 3, 9, 20, 26, 35, nor the angles reference point or reference plane, said angles must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2) Claims 1-37, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 3, 9, 20, 26, 35, recite angles, however the disclosure is not clear as to what said angles are and what is their reference point or reference plane.

Claim 1, lines 3-4, are not clear in reciting "said outer surface of said first layer being positioned adjacent to said outer surface of said second layer,". Should the lines

perhaps recite that the outer surface of the first layer is positioned adjacent to the inner surface of the second layer. Claims 20 and 35 suffer from the same deficiency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3) Claims 1-4, 9-11, 13-16, 19-21, 23, 25-27, 32-36, are rejected under 35 U.S.C. 102(e) as being anticipated by Kershaw (6,348,131).

Claims 1, 3, 9, 15-16, 19-20, 23, 25-26, 32, 35: Kershaw discloses a multi-ply embossed paper products, for example, paper towels, tissues and napkins (Abstract) and the method of its forming by depositing a furnish of cellulosic fibers onto a foraminous surface (col. 5, line 1 to col. 6, line 42). The said paper products are having ridges (or peaks) 44 and valleys 46 in a sinusoidal pattern (col. 7, lines 1-41 and Figure 4). The paper products are embossed, which form bridging regions extending over at least two of said ridges. The embossing is in both the cross and machine direction in the form of a design, such as, a flower or a hexagon in continuous rows (col. 9, lines 26-54, and Figures 10-11). The embossing prevents nesting of layers of the paper product.

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Claim 2: bridging regions are arranged in spaced apart rows as shown in Figure 11.

Claims 4, 27, 36: the bridging regions length is greater than the width (col. 9, lines 55-64, col. 11, lines 40-45).

Claims 10-11, 33-34: the paper product may be stacked or rolled (col. 6, lines 10-14).

Claims 13-14: the paper product basis weight is from 5 to 40 pounds per 3,000 square foot ream (col. 12, lines 32-37).

Claim 21: the embossing may be both dry wet (col. 6, lines 29-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 5-8, 17-18, 24, 28-31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kershaw.

Claims 5-8, 17-18, 28-31: Kershaw is applied as above for claim 1, 20, Kershaw fails to disclose the length of the bridging region, however, it would have been obvious, to one skilled in the art at the time the invention was made, that the length of the bridging region be varied and include the claimed length in view that the bridging region

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is an embossment and the design of the embossment controls its length. The same obviousness applies to the depth of the bridging region.

Claim 24: Kershaw is applied as above for claim 23, Kershaw fails to disclose the embossing roll pressure, however, it would have been obvious, to one skilled in the art at the time the invention was made, that the embossing roll pressure include the claimed range in view that Kershaw teaching that the embossing pressure is independently adjusted and varied depending on the pattern (col. 10, lines 10-19).

5) Claims 12, 22, 37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kershaw in view of Cook (5,048,589). Kershaw is applied as above for claim 1, 20, 37, Kershaw fails to disclose an through-air dried paper web. Cook discloses a process of making a towel that utilizes the use of a through-air dryer 50 (col. 4, lines 25-53). It would have been obvious, to one skilled in the art at the time the invention was made, to combine the teachings of Kershaw and Cook, because such a combination would provide an improved means of drying the paper product of the design of Kershaw.

Conclusion

6) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 703-305-4522. The examiner can normally be reached on Mon-Fri, (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-308-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Mark Halpern
Patent Examiner
Art Unit 1731

February 3, 2003